

EXAMINER'S COMMENTS

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/8/2010 has been ENTERED.
2. Applicant's Petition pursuant to 37 CFR 1.183 was GRANTED on 1/31/2011.
3. Applicant's Supplemental Response and Claim Amendments filed 4/21/2011 are ENTERED. An Interview Summary is attached indicating the Examiner's suggestion for the supplemental filing to place the claims in condition for allowance.
4. Claims 1-39, 41-64, and 66 have been cancelled by Applicant. New claims 67-88 have been added and amended. Claims 40, 65, and 67-88 are pending and under examination.
5. The Declaration filed 4/8/2010 is sufficient to show that the Hutmacher et al., reference is the inventor's own work and it provides a detailed explanation of the contribution of the non-inventive co-authors of the Hutmacher et al., reference. Applicant's remarks with regard to the copending divisional application are noted. Applicant's attention is drawn to MPEP 715.01(c) and MPEP 716.10. The instant inventors, with the exception of co-inventor Zein, who was determined to be unavailable (see Petition and Petition Decision of record) have complied with the requirements of these sections. Accordingly, the rejection under 35 USC 102(a) is WITHDRAWN.
6. In light of Applicant's arguments and amendments filed 4/8/2011 and the supplemental amendments 4/21/2011, all rejections of record are WITHDRAWN.
7. The information disclosure statements (IDS) submitted on 4/8/2010, 5/19/2010, 10/28/2010, 4/1/2011, and 4/21/2011 have been considered by the examiner. Signed copies are attached. Regarding the copending 13/124,161 case, the application is noted. The copending application will likely require a terminal disclaimer over the instant claims. However, because the instant claims are in condition for allowance, no obviousness-type double patenting rejection is made herein.

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8. Claims 40, 65, and 67-88 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHERIE M. WOODWARD whose telephone number is (571)272-3329. The examiner can normally be reached on Monday - Friday 10:30am-7:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker can be reached on (571) 272-0911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHERIE M WOODWARD/
Primary Examiner, Art Unit 1647